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October 18, 2019

File No. 41575.06

VIA ECF

Honorable Kevin N. Fox, U.S.M.J.
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: Wedil David v. The Weinstein Company LLC, et al.
18 Civ. 5414 (RA)

Dear Judge Fox:

We are counsel for Defendant Harvey Weinstein in the above-captioned action. Counsel for Plaintiff has taken the position that Defendant is required to engage in a substantive meet and confer at this time despite the fact that both Mr. Weinstein and Robert Weinstein's motions to dismiss are pending. Oral argument on those motions is scheduled for November 6 before the Hon. Ronnie Abrams, U.S.D.J. It is Mr. Weinstein's position that a substantive meet and confer is both premature and not feasible given that it is presently uncertain what defendants and claims will remain in this case. The interests of judicial efficiency, and conservation of the resources of the parties, will be better served by commencing discovery once the motions are decided and it is determined what parties and claims will be in this case. Forcing the parties to engage in discovery while the scope of this litigation is uncertain will only serve to unduly burden defendants. Plaintiff will not suffer any prejudice if discovery does not commence until the motions to dismiss are decided. Further, Judge Abrams is set to hear the motions shortly. As such, clarity as to the scope of these proceedings is forthcoming. Mr. Weinstein shall abide by the direction of this Court with respect to discovery, but respectfully submits that discovery should not commence until the pending motions are decided.

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Thank you for your attention to this matter.

Respectfully submitted,

Elior D. Shiloh

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LEWIS BRISBOIS BISGAARD & SMITH LLP

EDS

cc: All counsel of record (*via ECF*)